Docket No: 38-21(51091)C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Larry Gilbertson

Serial No: 10/816,410

Filed: 04/01/2004

For: Homologous Recombination-Mediated Transgene Deletion in Plant Cells

Art Unit: 1638

Examiner: David T. Fox

RECEIVED CENTRAL FAX CENTER

OCT 2 5 2006

Response To Restriction Requirement

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Responsive to the restriction requirement made in the Office Action mailed 09/26/2006 with a shortened statutory period of one month to reply, applicant hereby elects Group III, i.e. claims 14-23.

Applicant understands that the restriction between the linked inventions is subject to the nonallowance of the linking claims 1 and 3-9 and that upon the indication of allowability of the linking claims, the restriction requirement will be withdrawn, i.e. linking claims 1 and 3-9 will be initially examined.

This communication is being facsimile transmitted to the USPTO via the fax phone number identified in the office action, i.e. 571-273-8300, on October 25, 2005.

Respectfully submitted,

Thomas E. Kelley Registration No. 29, 938

Attorney for Applicants

Phone: 860 572-5274